

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:20-cr-00097-6

**United States of America**

v.

**John Eric Retiz**

**ORDER**

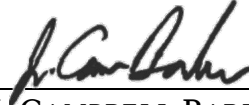
Defendant John Eric Retiz (6) filed an unopposed motion to continue the trial. Doc. 253. This motion to continue is granted. The new deadlines and court settings are as follows:

- Deadline for pretrial motions (except motions for continuance): Nov. 3, 2021
- Deadline to file motion for continuance or notify the court of a plea agreement: Nov. 8, 2021 at 12:00 p.m.
- Pretrial conference: Dec. 1, 2021 at 1:30 p.m.
- Jury selection and trial: Dec. 6, 2021 at 9:30 a.m.

A speedy trial is desirable, but “a myopic insistence upon expeditiousness in the face of a justifiable request for delay can render the right to defend with counsel an empty formality.” *Ungar v. Sarafite*, 376 U.S. 575, 589 (1964). Considering the factors listed in 18 U.S.C. § 3161(h)(7), the ends of justice served by this continuance outweigh the interest of the public and the defendant in a speedy trial. In this case, defendant’s counsel requests additional time to “answer some questions and review some records. . .” Doc. 2530 at 2. Further, counsel reports “the ability to freely visit my client has been restricted and hampered by the current situation in our jails.” *Id.* at 3. Additionally, the “Defendant still has State issues and substantial criminal history that need to be evaluated regarding a possible resolution of the important matter.” *Id.*

Failure to grant a continuance would create an appreciable likelihood of a miscarriage of justice by failing to give Mr. Retiz and his attorney enough time to prepare his case. This continuance is necessary to provide defendant's counsel with reasonable time to prepare, considering due diligence. In addition, this case was designated complex and all Speedy Trial Act deadlines were suspended on January 20, 2021. Therefore, the period of delay that will result from this continuance is excludable under the Speedy Trial Act. *See* 18 U.S.C. § 3161(h)(7).

*So ordered by the court on September 8, 2021.*

A handwritten signature in black ink, appearing to read "J. Campbell Barker", is written over a horizontal line.

J. CAMPBELL BARKER  
United States District Judge